THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :9764 of 2007

DATED:01-05-2007

BETWEEN:

Abdul Wali Farooqui.

.....
PETITIONER

AND

The Station House Officer,
Tappachabutra Police Station,
Hyderabad & 2 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in interfering with the peaceful possession of the petitioner in H.No.12-2-399/1, Markandiahnagar, Talagadda, Hyderabad, as illegal and arbitrary.

3. It is the case of petitioner that he is the owner and possessor of the house bearing municipal No.12-2-399/1, Markandanagar, Thalagadda, Hyderabad and there are certain civil disputes with regard to the said property. It is stated that the petitioner obtained electricity connection by approaching this Court and thereafter certain civil disputes are pending in respect of the said property. It is stated that police is nothing to do with the civil suits with regard to the right, title, and possession of the property, but without any justification, whatsoever, 1st respondent is interfering with the civil disputes pending in respect of the said property and therefore, he made a representation before the respondents but no action has been taken so far. Hence, the present Writ Petition.

4. It is well settled principle that police cannot interfere with the civil rights or civil disputes relating to immovable properties, but however if there is any complaint made against the petitioner stating that he committed any cognizable offence, it is open for the police to register a case and investigate the same, but without there being any complaint police cannot interfere with the civil rights of the petitioner. Insofar as the allegation of the petitioner that he is the owner and possessor of the said property, I am not inclined to express any opinion.

5. Having regard to the facts and circumstances of the case, respondents are directed not to interfere with the civil disputes of the petitioner without there being any crime registered against him.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

01st May, 2007.

Note:

Furnish C.C. of the order tomorrow.

B/o

Tsy